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SUBJECT: DELHI DIARY, DECEMBER 10-14

¶1. (U) Below is a compilation of political highlights from Embassy New Delhi for December 10-14, 2007 that did not feature in our other reporting, including:

- Bhutan Election Commission Disqualifies Third Political Party.
- India Finally Offers Balanced Assessment of Israeli-Palestinian Affairs.
- Supreme Court Scolds Lower Court,s Judicial Activism

Bhutan Election Commission Disqualifies Political Party  
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¶2. (U) On November 30, The Bhutan Election Commission (EC) disqualified the Bhutan People's United Party (BPUP), a newly-formed political party which was hoping to run against the People's Democratic Party and the Druk Pheunsum Tshogpa in the Bhutanese elections scheduled for early 2008. The BPUP claims to be a political party representing the downtrodden, with 80 percent of its membership and a significant number of its candidates being high school dropouts. This, however, violates EC rules which stipulate that candidates must hold at least a bachelor's degree. In a press release the EC concluded that the BPUP lacked "credible leadership of the caliber that is needed to run and manage the affairs of the nation."

¶3. (SBU) The BPUP appealed the decision of the EC asking for guidance and time to fix their mistakes. BPUP President Sigay Dorji, a former member of the Royal Advisory Council, expressed optimism that the BPUP would be given the opportunity to develop into a credible political party. If the BPUP is allowed to contest the election, there will be three registered political parties and Bhutan will have two phases of polling. The first phase will be a vote on the three political parties to narrow the choices to two. The final phase would be for the actual candidates. Nicholas Rosselini, Resident Representative of UNDP, told Poloff of other rumors behind the disqualification. Rosselini said he heard the EC was only trying to cut its costs of conducting

the elections by reducing the number of political parties to two.

¶4. (SBU) Comment: The irony is that Bhutan is a country where very few have higher education and very many are poor. The BPUP disqualification speaks little for representational democracy, although the EC could argue that the transition phase of Bhutan,s democratic experiment justifies special attention to the education credentials of the candidates. End Comment.

#### India Finally Offers Balanced Assessment of Israeli-Palestinian Affairs

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¶5. (SBU) In an official press release dated December 12, and a nice follow-on to the constructive comments from Kapil Sibal in Annapolis, External Affairs Minister Mukherjee gave a refreshingly balanced view of the situation in the Levant, offering policy views supportive of Quartet and USG initiatives. He stated inter alia that the GOI "supports a negotiated solution resulting in a sovereign, independent, viable and united State of Palestine within secure and recognized borders living side by side and at peace with Israel as endorsed in the Roadmap and UNSC Resolutions 1397 and 1515. India has supported the Quartet Roadmap of 2003 and the Arab Peace Initiative, resumption of dialogue on Israel-Lebanon and Israel Syria Tracks." Mukhejee also noted that the Minister of State for External Affairs E. Ahamad would attend the International Donors Conference for Palestine in Paris December 17.

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#### Supreme Court Scolds Lower Courts, Judicial Activism

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¶6. (U) India,s Supreme Court issued a harsh criticism of the nation,s courts this week, accusing regional benches of overstepping their purview through rulings which border on legislation. The criticism was aimed at lower courts in general but the Delhi High Court was singled out. The Supreme Court opinion cited specific Delhi High Court decisions -- those involving demolition of unauthorized construction, nursery admissions, automobile accidents and number of free beds in hospitals -- as examples of judicial encroachment on legislative and executive powers which threatens "the delicate balance of power enshrined in the Constitution." The Supreme Court panel wrote, "We are repeatedly coming across (instances) where judges are unjustifiably trying to perform executive or legislative functions. In our opinion this is clearly unconstitutional." The justices went on to caution that a continuation of this trend could lead to interference from politicians who will attempt to rein in judicial power and threaten the independence of the judiciary.

¶7. (U) Comment: The Supreme Court,s edict led to judiciary confusion as some courts refused to hear public interest litigation cases until their jurisdiction was clearly delineated. The confusion subsided when the Chief Justice made it clear that the original criticism was non-binding. The Supreme Court,s cautionary observations are valid and relevant because Indian courts have become increasingly activist in response to political inaction and gridlock. We should note, however, that in a nation where consensus-building and legislating are often slow and frustrating processes this judicial activism may be the only way to get anything done. For instance, when legislators did not have the political will to take quick action on the capital,s rising air pollution levels, the Delhi High Court issued a ruling calling for the implementation of compress

natural gas technology in all public transportation, which  
markedly improved air quality.  
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